IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. **171 OF 2006**

IN

FAMILY COURT APPEAL NO.**76 OF 2006**

Mr. Pramod Prabhakar Satbhai .. ***Applicant***

Versus

Suchitra Pramod Satbhai .. ***Respondent***

WITH

CIVIL APPLICATION NO. **172 OF 2006**

IN

FAMILY COURT APPEAL NO.**77 OF 2006**

Mr. Pramod Prabhakar Satbhai .. ***Applicant***

Versus

Master Pranav Pramod Satbhai-minor
through legal guardian-mother .. ***Respondent***

Mr.V.G. Peshave for the applicant
Mr. Pankaj Das for the respondent

CORAM : SMT.RANJANA DESAI,
& SMT.V.K. TAHILRAMANI,JJ.
DATED : 11TH OCTOBER,2006

P.C. :-

Both the appellants are challenging judgement and order dated 15/05/2006 rendered by Family Court, Pune. The appeals are admitted by us today.

We are now only concerned with the question of maintenance. The Family Court has directed the appellant-husband to pay maintenance at the rate of Rs. 4000/- per month to the wife and Rs. 5000/- per month to their minor son Pranav from the date of petition i.e. 21/07/2003.

Learned counsel for the appellant-husband stated that maintenance amount is excessive and needs to be reduced. He submitted that the appellant's take home salary is only Rs. 17,000/- and therefore, this court should reduce the amount of maintenance. He submitted that the appellant-husband has married again and he has to support his second wife and her son. Learned counsel for the respondent-wife strenuously opposed this prayer.

In our opinion, so far as maintenance at the rate of Rs. 5,000/- to the minor son Pranav is concerned, the impugned order to that extent merits no interference. In the facts of the case, till the appeals are finally decided as an interim arrangement and without prejudice to the rights and contentions of the parties, we feel that the maintenance amount at the rate of Rs. 4000/-to the respondent-wife needs to be reduced to Rs. 2,000/- per month. The appellant-husband will however have to pay all the arrears of maintenance

upto September-2006 at the rate of Rs. 9,000/- per month as granted by the Family Court.

Learned Counsel for the appellant says the appellant shall clear the said arrears within four weeks from day.

The appellant shall deposit the said amount in the Family Court. On such deposit being made respondent-wife will be at liberty to withdraw the same without security. Henceforth, the appellant shall pay total amount of Rs. 7,000/-per month to the respondent-wife and minor son Pranav. Needless to say that this will be subject to the final decision in the instant Family Court Appeal.

We have not expressed any opinion on the merits of the case.

Civil Applications disposed of.

Respondents waive service.

(SMT. RANJANA DESAI,J.)

(SMT. V.K.TAHILRAMANI,J.)